

<b>Responsible Officer</b>	<b>Adopted</b>
Director Infrastructure & Environmental Services	25 July 2006
<b>Local Government Act 1999 Reference</b>	<b>Reviewed</b>
FIRE AND EMERGENCY SERVICES ACT 2005 REFERENCE	February 2020
Section 105F(5)	<b>Next Review*</b>
	February 2023

## OBJECTIVE

To set minimum compliance standards where a notice is issued pursuant to section 105F(5) of the Fire and Emergency Services Act 2005 to address flammable undergrowth on land.

## POLICY

Where a Notice is issued, pursuant to Section 105(F) of the *Fire and Emergency Services Act 2005* (the Act) to the owner<sup>1</sup> or occupier of land the issuing officer must include either of the following requirements in the notice to address flammable undergrowth where he/she considers fit:

- a) to reduce and maintain until the end of the fire danger season all flammable undergrowth upon the land to a maximum height of 100mm; or
- b) to reduce and maintain until the end of the fire danger season all flammable undergrowth upon the land within a width of 5 metres from the boundaries thereof and within 20 metres around a dwelling to a maximum height of 100mm.
  - i. This is on the basis that the Council considers that the above requirements are necessary to: prevent or inhibit the outbreak of fire on the land; or
  - ii. prevent or inhibit the spread of fire through the land; or
  - iii. protect property on the land from fire

The issuing officer will determine which of the above is applicable (in addition to any other requirements that may be deemed necessary), taking into account the circumstances in question including the location of the land.

## DELEGATION

That pursuant to section 44 of the Local Government Act 1999, Council delegates to the Chief Executive Officer authority to administer Council's Policies. Refer Delegations Register for sub delegation if granted.

<sup>1</sup> Note that the Act defines the term 'owner', which in relation to private land means the owner of an estate in fee simple in the land (i.e the registered proprietor). In the case of land comprising a vacant block (i.e. that is not occupied), section 105F notices must be issued to the owner of the land.